

**Iowa Department of Natural Resources  
Environmental Protection Commission**

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**ITEM**

**19**

**DECISION**

**TOPIC**

**Notice of Intended Action:** 567 IAC Chapter 1-amendment to the Commission's quorum and voting requirements in Rule 1.6.

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The proposed amendment would modify the voting requirements for the Commission. The number of commissioners required for a quorum, to take official action and to close a meeting would be specified rather than the current reference to a majority of the members of the Commission. In addition, for official action by the Commission the requisite number of commissioners would vary depending on the number of commissioners currently appointed by the Governor.

May 29, 2008

## ENVIRONMENTAL PROTECTION COMMISSION [567]

### Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.6, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 1, "Operation of Environmental Protection Commission," Iowa Administrative Code.

The proposed amendment would modify the voting requirements for the Commission. The number of commissioners required for a quorum, to take official action and to close a meeting would be specified rather than the current reference to a majority of the members of the Commission. In addition, for official action by the Commission the requisite number of commissioners would vary depending on the number of commissioners currently appointed by the Governor.

Any interested person may make written suggestions or comments on the proposed amendment on or before July 22, 2008. Written comments should be directed to \_\_\_\_\_, Iowa Department of Natural Resources, Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319-0034; fax (515)281-6794.

Also, there will be a public hearing on \_\_\_\_\_, 2008, at \_\_\_\_:00 \_\_\_\_m. in the \_\_\_\_\_ Floor Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing people will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code section 455A.6.

The following amendment is proposed.

Amend rule **567—1.6(17A, 455A)** as follows:

567—1.6(17A, 455A) Quorum and voting requirements.

1.6(1) Quorum. ~~A majority of the members of the commission~~ Five or more commissioners present at a meeting constitutes a quorum.

1.6(2) Voting.

a. Voting requirements if 8 or 9 commissioners are currently appointed. The concurrence of a majority of the members of the commission is required to determine any matter before the commission for action, except If the governor has appointed 8 or 9 commissioners to the environmental protection commission, then the affirmative votes of 5 or more commissioners shall be required to act on any matter within the jurisdiction of the commission.

b. Voting requirements if 7 or fewer commissioners are currently appointed. If the governor has appointed 7 or fewer commissioners to the environmental protection commission, then the affirmative votes of 4 or more commissioners shall be required to act on any matter within the jurisdiction of the commission.

c. Voting requirements to close a meeting. Notwithstanding paragraphs 1.6(2)“a” or 1.6(2)“b,” for a vote to close a meeting which requires shall require the concurrence of two-thirds of the 6 or more members of the commission, or the concurrence of all members present if less than two-thirds 6 members are present.

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Date

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Richard A. Leopold, Director